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# MARRIAGE

WITH A

Deceased Wife's Sister or with a Niece

CONTRARY TO THE

HOLY LAW OF GOD

AND TO THE

LAWS AND CUSTOMS OF THE JEWS,

TO THE TEACHING

OF

Our Lord Jesus Christ

AND OF HIS APOSTLES,

AND TO

NATURE:

BY THE

REV. T. BERNEY, A.M.,

RECTOR OF BRACON ASH.



London:

MDCCLXXXV.

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BRACON HALL,

BRACON ASH, NORWICH,

*Monday, March 2nd, 1885.*

TO THE HONOURABLE THE COMMONS OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND  
IRELAND IN PARLIAMENT ASSEMBLED.

May it please your Honourable House:

Inasmuch as it has become manifest to me that a very large number of the Peers of your Lordships' House have been grievously led into error and deceived, respecting the breadth, meaning and intention of the Holy Law of God, as contained in Leviticus, chapter xviii., and in Deuteronomy, chapter xxv., and other parts of Holy Scripture, which shew what must be held to be the teaching of our Lord Jesus Christ and of His Apostle, St. Paul, respecting marriages forbidden from nearness of kin; and also in respect of the Oral Law and custom of the Israelitish people from the same times of antiquity; and especially in reference to any marriage with a deceased wife's sister; I have felt it to be my duty to your Lordships' House, and to Her Most Excellent Majesty the Queen, and to my beloved country, I having been called of God as a Prophet of the Lord, to set forth the simple truth as it is before God, and to expose some, at least, of the deceptions which have been foisted upon your Lordships' House and Parliament and the country generally, whereby from your Lordships' increasingly misguided action and tendency in respect of this momentous subject during the last few years, ~~together with the present unrighteous law of divorce~~, I do verily believe that, for some years, the blessing of Almighty God has been more and more alienated from our country, till terrible disasters fell upon the armies in the Soudan, and would have culminated in still more complete disasters at the battles of El Teb and Tamanieb, but for the very urgent warning which I, as a Prophet of the Lord, went up to London and gave personally to the War Office, through Lord Wolseley's Secretary, that the intended and announced formation of the Force for the then coming battle of El Teb must be changed entirely; and that they must on no account attack the ready-prepared position

of the enemy on its front, for, if they did, they would be cut to pieces to a man. In consequence, I believe, of my reiterated declaration, and proof, which cannot be denied, of my calling as a Prophet of the Lord, the formation of the Force was changed to that of a square: and, although they did still purpose to attack the position in front, the commander found the necessity, from finding four guns ready in position, of wheeling round and taking it in flank and rear: but, having done so, it became manifest, that, from the whole foreground being prepared with a very extensive arrangement of rifle-pits, each concealed behind a bushy plant of broad-leaved evergreen Dwarf Palm,\* and filled with warriors efficiently armed for the nonce, utterly reckless of life or death, our whole Force, had they charged the position in front, would, as I vehemently declared, have been cut to pieces.

I proceed to shew that for Parliament to pass a Bill to legalize marriage with a deceased wife's sister would be to defile the land with incest, and would bring down a curse of God upon the nation.† (Deuteronomy xi., 26-28.) The first passage harped upon by the promoters of incest is Leviticus xviii., 18.

The rendering here of *ishshah el-ahhothah* in our version by "one to another" is objectionable: for inasmuch as the breadth of God's restriction in Leviticus xviii., 16, positively forbids marriage with a deceased wife's sister; and that "God is not a man that he should lie, neither the son of man that he should repent" (Numbers xxiii., 19); so that even in the merciful provision through the law of the *Yeboom* (Deuteronomy xxv.) the brother-in-law was always in ancient times released from that duty, when the deceased brother's widow was his own wife's sister;‡ we must look for another rendering of the words, compatible with the word of truth; as in the case of Moses (Exodus xxvi.) ordered to arrange the curtains of the Tabernacle; where since each curtain was

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NOTE.—\* I have myself, while travelling in Sicily, had to ride on a mule across a plain thickly studded with such plants, though not perhaps so vigorous: and I can fully appreciate how perplexing, harassing and deadly a position so prepared and so defended would be to a force assaulting with a rush; and how each British cheer would be converted into a cry of warning anguish, as each brave soldier, stumbling and speared, fell into a rifle-pit.

NOTE.—† 26 Behold I set before you this day a blessing and a curse; 27 A blessing, if ye obey the commandments of the Lord your God, which I command you this day: 28 And a curse, if ye will not obey the commandments of the Lord your God. (Deuteronomy xi.)

NOTE.—‡ See *Seder-Nashim*, Treatise *Yebamoth*, in numerous sections in Chapters I., II., III., XI. and XIII.

forty-two feet in length and six feet in depth, and each to be fastened at the end by fifty loops; and that there were eleven of such curtains to be so fastened; it is manifest that the rendering "coupled one to another" is objectionable: for that he clearly had to hang them up and fasten them *one after the other*: or as in Isaiah xxvii., 13, where *leahhad ehhad*, which are of the same word, are rendered "and ye shall be gathered one by one"; or as Dr. Julius Fuerst, in his Hebrew and Chaldee Lexicon of the Old Testament, renders it, "one after the other, singly"; and again, in Isaiah lxvi., 17, where he renders it "shall be consumed one after the other, man for man."

Furthermore, the expression *leghalloth 'ervathah* as rendered is not at all to my satisfaction. It always includes the notion of turpitude and moral defilement. It implies here the contracting of an incestuous union with her. Maimonides repeatedly renders 'ervah *incest*. The rendering in the Authorised Version is like a witness speaking truth, but not the whole truth. The full meaning of the expression is "to commit incest with her."

The passage ends with the Hebrew word *behhaiyeyha*, which they whose letters they quote invariably translate to suit their own purpose, namely, to argue therefrom that, when the wife is dead, the man may marry her sister.

Many Hebrew words are compound. A preposition is prefixed to a noun, and a pronoun is suffixed. Thus, in this instance, the first syllable *be* is *in*; and the last syllable *ha* is *her*; and the noun between them is simply *life*; there is nothing whatever about *time* either in the words or in the sense. Marriage with a wife's sister is forbidden because, by marriage, the husband had become one flesh with his wife, or literally *flesh of her flesh*, (rendered "near of kin" in the 6th verse of our Authorized Version); and had therefore also become flesh of the flesh of her sister by the absolute physical change which he himself had undergone. This is one of those things in Scripture apparently hard to be understood by some people, especially by those who are intentionally blind: and yet both the verses 15 and 16 contain cases analogous to it: but I will presently prove it indisputably from Nature.

To those unacquainted with Hebrew it is yet perhaps known, that wherever in the text of the authorised version, a word, or a part of a word, is in italics, it is to be understood that there is no word in the original text answering to it. The idioms of the two languages are so

different, that the translators introduced words, according to their judgment, to assist the English reader. Thus, Psalms civ., 16, 17, "The cedars of Lebanon, where the birds make their nests: *as for* the stork, the fir trees *are* her house:" while in the Prayer Book version we have—"and the fir trees are a dwelling for the stork."

Thus in Leviticus, chapter xviii., 18, we have, "to vex her in her life *time*:" but I consider the word *time* to be both superfluous and erroneous; and the expression, "to vex her in her life," to be only incidental; to shew the natural result of jealousy; which must necessarily arise between a married woman and her sister, in any country where such subsequent marriage is allowable, whether it will certainly take place or not: the feeling expressible in the words "he may some day marry my sister" will be quite sufficient "to vex her in her life," and to preclude all possibility of her welcome to the sister; and thus to deprive the latter of that which, as the law now stands, may often afford to her a peaceful and happy home; and of the opportunities of being a comfort and help to her married sister, and a blessing to her children.

A rendering to embody the truth, the whole truth and nothing but the truth, should be, "Neither shalt thou take a wife to her sister, *though one after the other*, to commit incest with her, over her, to vex *her* in her life:" and idiomatically "to worry *her* out of her life."

The illegality of marriage with a deceased wife's sister, under the Levitical Law, is, moreover, fully shewn by Leviticus xviii., 16, where the breadth of the Law of God, though in this case by no means "exceeding,"\* becomes manifest, as it is in many other cases. The man is the head of the wife, and the head of the human race; and a command or restriction imposed upon man includes and imposes the like command and restriction upon woman. The Tenth Commandment to man "Thou shalt not covet thy neighbour's wife," is equally the command to woman, "Thou shalt not covet thy neighbour's husband;" and, in like manner, in verse 16, the restriction imposed upon man in respect of his brother's wife, whether the brother be alive or dead, with the extreme exception of the injunction imposed upon a deceased husband's brother by the Law of the Yeboom (Deuteronomy xxv., 5-11) in the sole event of the deceased having no child, includes and imposes the like restriction upon woman in respect of her sister's husband, whether the sister be alive or dead. The

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NOTE.—\* Psalm cxix., 96, Thy commandment is exceeding broad.

relationship, by the having become flesh of his or her flesh respectively by the rite, and by the rites of marriage commonly so called, is identically the same in each case.

Marriage with a deceased wife's sister, therefore, is strictly prohibited by this phasis of the Holy Law of God!!

But there is yet another phasis of the prohibition of such marriages, and any of the like, whether of a man with his niece or aunt, arising from the breadth of the Holy Law of God as exhibited in Leviticus xviii., for "it is confusion."

The usual plea for such marriages, set up by the promoters of them, is, that upon the death of the mother of a family, no one can be found so fitting to take charge of the children as her own sister. But this, my Lords, her sister can do now! With the law, as it now stands, the sister of a deceased wife can with propriety come and take up her abode in the house of her brother-in-law, and gain the affection of the children, and the respect of every one else; and, possibly, thousands of ladies are at this time so dwelling, and so occupied, in this land, happy and honoured, yet with no desire to marry the brother-in-law; but who, were the present prohibition of marriage with him to be removed, must at once withdraw from such their happy homes.

Were, however, such a marriage in any particular case to arise from the proposed infringement of the Holy Law of God, and a second family to result from it, it would be impossible accurately to define the relationship of the members of the two families to each other respectively: in respect of the father they would be in the relationship of brothers or sisters; while in respect of their mothers respectively, the children of either mother would be first cousins of the children of the other mother. Thus there would be utter "confusion;" which, according to Leviticus xviii., is contrary to the Divine Will, and is, and manifestly ought to be, forbidden! In the next generation there would be "confusion" doubly confounded!!

Marriage with a deceased wife's sister, therefore, is strictly prohibited by every phasis of the Holy Law of God!!!

\* Let us now turn our attention to the Oral traditionary Law of the Jewish people, now commonly called the Mishna; and to the custom of the Israelites from the early times of antiquity, under the government

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\* As for legislating for the poor, contrary to and in defiance of the Holy Law of God, it would be a work of supererogation: for the lowest orders, like Gallio, "care for none of these things," and simply follow their own bent.

of Moses, in respect of the law of the *Yeboom*, otherwise called the *Levirate*; and eventually to the strong and important light upon it which may be perceived from the teaching of our Lord: for while He severely censures the doctrines of other parts of the Oral Law, called in our version “traditions” (as in St. Mark vii., 1–14, and their law of divorce,) He does not censure their fulfilling of the law of the *Yeboom*. This is very touchingly exhibited in the Book of Ruth. Thus we may come to the decided conclusion, that their fulfilment of their duties under that law was maintained, pure and undefiled, at the date of our Lord’s ministry; as is indeed exhibited clearly in the various chapters of the Treatise *Yebamoth*, which treats of it, and is taken from Seder Nashim or the Book relating to Women; and shew what was the reading of the Israelites of the verses herein alluded to from Leviticus xviii.; and that the three passages found in a subsequent part of that Treatise and utterly contradictory of the original; and which the promoters of incest love to harp upon; are spurious and corrupt interpolated passages of many hundred years later date; arising from the isolation, persecution and miseries which that unhappy people suffered subsequently to the dispersion of the Jews, in A.D. 70, and others also; but of this more anon.

I may here mention *en passant*, that the denomination of Jews called “The Reformed Jews” are a mere set of Dissenters from the Orthodox Jews: and I am informed on reliable Jewish authority, that they sprang up into notice only at about the beginning of this century. Marriage with a deceased wife’s sister is admitted among them; as it is also in Germany and Switzerland. Dr. Marks is the Chief Rabbi in England of this Jewish Sect:\* and I trust that I need hardly point out to your Honourable House, that letters and opinions quoted upon this subject, as they have been and are, from Dr. Marks, Dr. N. Adler, and other learned Hebrew Professors who are members of these Sects; whether English, German, Swiss or other; are but *ex parte* statements, and therefore of no reliable value whatsoever!

I have before me an English translation (London, 1845) of such Books of the Mishna as were considered necessary by the Vestry Board of the Sphardin Synagogue for its consideration for improving its public worship, by the two Jewish Rabbis, the Rev. D. A. De Sola, and the

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\* As Dr. N. Adler was or is of the Jews who adopt the German Rite.

Rev. M. J. Raphall; and as it contains the several Treatises from the *Seder Nashim*, or the Book of Laws relating to Women, *Yebamoth*, *Ketuboth*, *Gettin* and *Kedushin*, and is of such authority, it will be sufficient for our present purpose. It commences with an introduction:—



## SEDER NASHIM.

### TREATISE YEBAMOTH.

#### INTRODUCTION.

This Treatise contains laws relating to the precept of *Yeboom*, *i.e.*, the obligation of marrying the childless widow of a deceased brother (see Deuteronomy xxv. 5–11), and the ceremony of *Chalitzah*, or the taking off the shoe by the widow to her brother-in-law, in case he refuses to marry her (Deuteronomy xxv., 9).

In the first place, it must be premised that a surviving brother can marry only one of his brother's widows.

Secondly, that when circumstances exist which would render such marriage unlawful, as, for instance, if the parties were related to each other within the degree of consanguinity prohibited by the Holy Law to intermarry, the precept of *Yeboom* is superseded, and even the ceremony of *Chalitzah* is unnecessary.

Thirdly, that when the brother-in-law cannot marry the widow on account of near affinity, he may not marry any of the other wives of his deceased brother, who in the technical term of the Mishna are called rivals, *tsaroth* (see our first note).

This treatise contains also many regulations having reference to the marriage laws in general, and is the first of the class or division of the Mishna called *Nashim*, or laws relating to *women* [*i.e.*, to marriage, divorce, &c.], because *Yeboom* is not a voluntary action, like marriage, or divorce, as the person on whom that duty devolves can be judicially compelled either to marry his widowed sister-in-law, or to allow her to perform the ceremony of *Chalitzah* to him.

CHAP. I., § 1. Fifteen classes of women release themselves, their rivals, and the rivals of these *ad infinitum*, from the obligation of *Chalitzah* and *Yeboom*. These are [when the widow of the deceased is], (1) the

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NOTE 1.—By this appellation, the Mishna designates the several wives of one man, who are called *tsaroth* [*i.e.* troubles, adversaries, or rivals], to each other, inasmuch as Kimchi observes in his commentary [to I. Samuel I., 6, where this word occurs] they are most often sources of trouble, jealousy, and vexation to each other.

[illegitimate] daughter of the brother, or (2) her daughter, or (3) the daughter of his [illegitimate] son, or (4) his wife's daughter, or (5) her son's daughter, or (6) her daughter's daughter, or (7) his mother-in-law, or (8) the mother of his mother-in-law, or (9) the mother of his father-in-law, or (10) his uterine or maternal sister, or (11) his mother's sister, or (12) his wife's sister, or (13) the widow of his uterine or maternal brother, or (14) the widow of a brother who had not been contemporary with him, or (15) his daughter-in-law. All these release their rivals, and the rivals of these, *ad infinitum*, from the obligation of *Chalitzah* and *Yeboom*.

CHAP. II., § 3. A rule obtains in respect to marriage by *Yeboom*. Every woman whom it is unlawful to marry, by reason of being within the degrees of relationship forbidden to intermarry, may not perform the ceremony of *Chalitzah*, nor can be married by her brother-in-law by *Yeboom*; and all women who cannot be so married, owing to other legal prohibitions, or on account of holiness of station, must perform the ceremony of *Chalitzah*, but may not be married to the brother-in-law by *Yeboom*. When of two sisters [who had been married to two brothers] one only can be legally married [to a third or surviving brother], she is bound either to give *Chalitzah*, or to marry that brother-in-law by *Yeboom*.

§ 6. When a person has given *Kedushin* [*i.e.* betrothing] to one of two sisters, and does no longer know to which of them he gave it, he must give *Get*, *i.e.*, a letter of divorce to each. If he left at his decease one brother only, that brother must cause both [sisters] to perform *Chalitzah* to him. If he left two brothers, one must have *Chalitzah* performed to him, and the other may marry the sister-in-law by *Yeboom*, but if these brothers had already married the sisters, in anticipation, they are not to be separated from them.

§ 7. When two men [who are strangers to each other] have each of them betrothed one of two sisters, and neither of these two men know which sister he has betrothed, then each man must give two *Gets* [letters of divorce] to the sisters.

If [the men] died, and each left a brother, these brothers must have *Chalitzah* given to them by both sisters. If one of the men had one brother, and the other two, in the case of one brother only, he must have the *Chalitzah* performed by both sisters; and in that of the two brothers, one must have *Chalitzah* performed to him, and the other brother may

marry his brother's widow by *Yeboom*, but if they had already married the sisters in anticipation, they are not to be separated from them.

If each man left two brothers, one brother of each pair must have *Chalitzah* performed to him by one of the sisters, and the other brother of each pair can then marry by *Yeboom* one of the sisters released by the *Chalitzah* performed to the other brother. If two brothers had already in anticipation received *Chalitzah* from the sisters, the latter are not to be separated from them.

CHAP. III., § 1. When, of four brothers, two married two sisters, and they who had married the sisters, died: the sisters must give *Chalitzah*, but may not be married to the brothers-in-law by *Yeboom*; and if they had prematurely married them, they must send them away. R. Eleazar saith, "According to Beth Shammai such a marriage is valid; but according to Beth Hillel, they must be separated."

§ 2. If one of these sisters is prohibited to marry one of the brothers, owing to a prohibited degree of relationship between them, [although] he may not marry her, yet may he marry her sister, and both sisters are prohibited to the other brother. If one of these sisters is prohibited only on account of legal prohibition [by the Rabbins], or of holiness of station, she must perform *Chalitzah*, but he may not marry her by *Yeboom*.

§ 3. When one of the sisters is prohibited to marry one brother, and another sister the other brother, owing to prohibited degrees of relationship between them, then she who is prohibited to one brother may marry the other; and this is the case to which allusion is made [above], where [it] is said, "When, of two sisters, one only can be [lawfully] married by *Yeboom*, she must either perform the ceremony of *Chalitzah*, or be married by *Yeboom*."

§ 4. When, of three brothers, two were married to two sisters, or to a mother and daughter, or to a grandmother and her grand-daughter, either her son's, or her daughter's daughter, then these women must perform *Chalitzah*, but cannot be married by *Yeboom*. R. Simeon releases them from the obligation of *Chalitzah*. If any of these could not be married [to the third brother] on account of prohibited degree of relationship to him, he may not [indeed] marry her; but he may marry her sister. If one of the sisters is prohibited to him, only on account of legal prohibition [by the Rabbins], or on account of holiness of station, she must perform *Chalitzah* to him, but he may not marry her by *Yeboom*.

§ 5. When, of three brothers, two are married to two sisters, and

the third brother is unmarried, if one of the married brothers died, and the single brother made a promise of marriage to the widow, and subsequently the second brother died also, in this case, Beth Shammai teach, he must keep his wife [*i.e.*, her to whom he promised marriage], and the other is as sister of his wife, released from the duty of *Chalitzah*; but Beth Hillel decide, he must separate from his wife by *Get* and *Chalitzah*, and from his sister-in-law by *Chalitzah*. To this case was the remark applied: "Unhappy he, for the [loss of] his wife, and unhappy he for [the loss of] his sister-in-law."

§ 6. When, of three brothers, two are married to two sisters, and one to a stranger: if one of them who married the sisters died, and the brother who had married the stranger marries the widow, and then also dies, the first widow is released as sister of his wife and the second as her rival, but if he [*i.e.*, the second deceased] had only promised marriage to the widow, the stranger must perform the ceremony of *Chalitzah*; but the brother-in-law may not marry her by *Yeboom*. When, of three brothers, two married two sisters, and the third a stranger: should the brother who married the stranger die, and one of those who had married the sisters, marries the widow, and also dies, the one widow is free, as being a wife's sister, and the other as her rival; but if he only promised marriage to the stranger, and then dies, she must perform *Chalitzah*, and may not be married to her brother-in-law by *Yeboom*.

§ 7. When, of three brothers, two are married to two sisters, and one to a stranger: if one of them who married the sisters died, and he who had married the stranger marries the widow, and then the wife of the second brother dies, and also the third brother, who had married the stranger, then the widow will be for ever prohibited to the second, or surviving brother, because she was for some time prohibited to him [as wife's sister].

When, of three brothers, two were married to two sisters, and one to a stranger, if it should happen that one of those married to the sisters, divorced his wife; and that the brother married to the stranger died, and the widow was married to the brother who gave the divorce, and that this latter also died, then the following rule becomes applicable;—namely, that in all cases where the husbands died, or when the woman had been divorced, their rivals are permitted to marry.

§ 9. When, of two brothers married to two sisters, one dies, and afterwards the wife of the surviving brother also dies, then he may never

marry his brother's widow; because, there was a time when she was prohibited to him, [namely, during the life of his wife, her sister].

CHAP. IV., § 8. If the brother of one who had *Chalitzah* performed to him by his sister-in-law, marries her sister and dies, she is bound to perform *Chalitzah*, but may not be married to her brother-in-law by *Yeboom*, but when a person had divorced his wife, and his brother marries her sister and dies, she is released both from *Chalitzah* and from *Yeboom*.

CHAP. XI., § 1. A man may lawfully marry the near relatives of a woman whom he has violated or seduced, but he who has either violated or seduced the near relatives of his wife, has become guilty of incest.

CHAP. XIII., § 7. When two brothers are married to two sisters who are minors and orphans, and the husband of one dies, then the widow is released from *Yeboom*, as the sister of the brother-in-law's wife:—When one of the sisters has attained her majority, and the other is yet a minor, should the minor's husband die she is released from *Yeboom*, as sister of the brother-in-law's wife. R. Eleazar says, "When the husband of the elder dies, the youngest sister must be instructed to refuse." Rabbon Gamaliel saith, "If she refuses it is well; if not, let her wait till she obtains her majority; and then her sister will be released as a wife's sister." R. Joshua saith, "Such a man deserves commiseration, on account of his own wife, and his sister-in-law, because he must part with his wife by a *Get*, and is bound to receive *Chalitzah* from his sister-in-law."

CHAP. XIV., § 3. When two brothers who are deaf and dumb are married to two women who are in the same state who are sisters to each other, or to two sisters who are sound, or that one is sound and the other deaf and dumb, or two deaf and dumb sisters married to two brothers who are sound, or to two brothers who are thus afflicted, or that one of the brothers is deaf and dumb, and the other sound, then in all the mentioned cases the sisters are released from the obligation of *Yeboom* and *Chalitzah*. When the deaf and dumb females are not related to each other, the surviving brother must marry the widow by *Yeboom*, but may divorce them afterwards.

CHAP. XV., § 10. For a woman is not entitled to full credence when she says, "My brother-in-law died," as [it is possible] she makes that assertion only [to be permitted] to marry again. Neither when she

says, "My sister died," so as to enable her to be married to her brother-in-law. A man also is not to be believed on his own assertion, when he says, "My wife died," as it is possible he may wish to marry her sister.\*



"Whilst the spirit of prophecy continued, (says the Rev. J. B. Smith, D.D., in his Manual of Theology), there were no religious *sects* amongst the Jews; the authority of the Prophets preventing difference of opinion. The different sects afterwards sprang up gradually after the return from the Babylonish captivity."

After a time the Scribes or Rabbins became divided into two Houses (from Beth a house) or Schools of thought, Beth Hillel, Beth Shammai. The former are said to have adhered strictly to the Divine Law, while the latter were prone to relax in respect of various parts of it. With regard to divorce it was the same, but we cannot say to which of them it was that our Lord said "Ye make the Law of God of none effect through your traditions;" but that Dr. Smith states, that the Scribes, the Doctors of the Law, usually belonged to the Sect of the Pharisees.

The fact to which I wish to draw attention, and to maintain, is, that from those seven chapters, and one section alone § 8 from Chapter IV., I have quoted *in extenso* all the legitimate sections of the Treatise *Yebamoth* which, in the whole Treatise, bear in any way upon the subject of marriage with a deceased wife's sister; and they apparently exhaust the subject; and that if any single sentence, of any section quoted, can be held to authorise such marriage, it cannot be genuine and of the date of our Saviour's Ministry; and that any passage of a later date upon the subject cannot have the authority of Antiquity, but is simply what a Hebrew would call *bosh*: for our Lord's censures of the "traditions" were very numerous, very specific and very severe. Our Lord seemed never to lose an opportunity when, whether from accident or otherwise, it arose: yet when the Sadducee (Matthew xxii., 23-34) brought under His notice the whole subject of the *Yeboom*, and certainly carried it out to the  $(n-1)^{th}$ ; though the occasion was so favourable for censure, if any existed in the carrying out of the law of the *Yeboom* by the Jews at that time, not a word of censure was given!!

Your Honourable House, therefore, may rest well assured, that the numerous sections quoted herein, from those eight chapters, seem to

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NOTE.—\* These sentences, as well as in chapter X., § 5, are spurious.

have been considered, by the compilers of them, to exhaust the subject: for indeed Chapter IV., § 8, though incidentally supporting me, is almost beyond the question at issue; and nothing upon the subject contradicting the five \* can be genuine. Chapter IV. commences an entirely different subject.

It was not until the second century after Christ, that the Oral traditions, in the state to which they had then grown, were collected into six books called the *Mishna*, or Repetition of the Oral Law: and it was not, I think, till the sixth century, that the celebrated Commentaries were written upon them by Maimonides, a very learned Jew. The Commentaries were called *Gemara*, meaning complement, the *Mishna* and *Gemara* together making up the *Talmud*; of which there are two, the Jerusalem, and the Babylonian; and after a time vowel points were invented and added, and accents also, to prevent the loss of the pronunciation of the Hebrew Language.

As for the two sections foisted upon the British public and society in a pamphlet by Dr. McCaul, D.D., a paid writer, I believe so far, for the Marriage Law Reform Society; what will not men write for money? He begins with the cool statement, that "Chapter iv. 13 has the following passage which is decisive upon the point:—

"If his wife die, he is allowed to marry her sister;" and he winds up with the following assertion:—"This is a general and straight-forward declaration of the law"—a statement the very reverse of the truth!!!

This marvellous passage, utterly at variance with all the sections quoted from those six chapters, which decide the question if words can, is said to be found where such a passage might be expected to be found, just at the end of a long chapter of twelve sections on a different subject: but it will, I trust, be satisfactory to learn, that the Reverend Rabbins De Sola and Raphall have not given it a place in this their translation of the *Mishna*; and that it is a spurious interpolation subsequent to the year 1509, in which R. Ob. Bartenora's celebrated Commentary was written, and which does not mention it; and prior to the year 1578. Moses Iserles, in his remarkable edition of the *Shulchan Aruch*, 1580, calls them "Emendations"!!!

Of the *Shulchan Aruch* Wolf, in his *Bibliotheca Hebræa*, says "R. Joseph Caro, the son of Ephraim the Spaniard, born A.M. 5300, A.D. 1540. He wrote the *Shulchan Aruch*, mensa instructa, or *Table*

prepared, &c. A compendium of his (Joseph Caro's) Commentary on *Arba Thurim*, which is called *Beth Joseph*, whence also it is accustomed to be called *The Short or Abridged Book*. Brought out at Venice, 1567, fol. &c.

"Afterwards the same book, with additions, annotations, and new expositions, rites and ceremonies received in the Synagogues of the German Jews, saw the light, under the care of Moses Iserles, of Cracow, A.D. 1578, and the same in 1580 and 1594, fol."

I have a volume, or part of another edition 1775 before me, entitled "Sententiæ Rabbiorum collectæ a R. Joseph Karo. Inter cetera juris Hebraici capita in libro Shulchan Aruch dicto per R. Mosen Iserles emendato atque suppleto. In linguam Latinam vertit C. Q. Meyer, Edi curavit atque additiones adjecit G. H. Stuck.—Halæ Magdeburgicæ 1775, 8vo."

One of the "Emendations" may be thus translated. "But even should he have children, and betroth himself to his deceased wife's sister, he may marry her immediately after the seven days' mourning; for she will have more care for the children of her sister than another will have." This passage is not to be found in the first edition.

This "Emendation" so audaciously and deceptively quoted before the Royal Commission by Dr. N. Adler, the Chief Rabbi of the German Jews in England, as if it had formed a part of the original Shulchan Aruch itself, is based upon the spurious interpolation in the Mishna in the Treatise *Yebamoth*, tacked on, so to speak, at the end of Chapter iv. § 13.

This remarkable edition with the "Emendations" by Moses Iserles, printed in 1580, enables us to arrive at an approximation to the dates at which the corruptions were made. Thus the most gross interpolation, namely, that in the Treatise *Yebamoth*, at the end of Chapter IV., § 13, is certainly subsequent to the year 1509, in which R. Ob. Bartenora's celebrated Commentary was written, which does not comment upon it, although it comments upon all the passages to which it is utterly antagonistic: while it was certainly interpolated on or before the year 1578: as this "Emendation," of that date, to the Shulchan Aruch, is solely and entirely based upon it.

That the perpetrations of these gross corruptions, in the books in the hands of some of the European sects of the Jews, resulted from the apostatizing example set by Pope Alexander VI. (the infamous Borgia) in granting those Dispensations to the two kings, Emanuel of Portugal and Ferdinand II. of Sicily; the one to marry his deceased wife's sister,

and the other his aunt; may be readily conceived; especially when we call to mind certain facts in the history of Spain and Portugal, which occurred towards the end of the XV. century.

Under the persecutions of Ferdinand and Isabella, the Jews had been expelled from Spain, and the unfortunate exiles had settled in Portugal. When their daughter, Isabelle of Castille, was to be espoused to Emanuel of Portugal, that Princess demanded, as one of her conditions, that the Jews should be further expelled from Portugal. This demand does not appear to have been fully complied with, but a compromise to have been substituted for it. The king, carried away by his passion, issued an ordinance, that all Jewish children should be baptized; and history records that many Jews cut their children's throats rather than submit to this tyranny. This marriage took place on August 11th, 1497. She died August 24th, 1498. On August 30th, 1500, King Emanuel married her sister, the Princess Marie de Castille: and it was to legalize this marriage with his deceased wife's sister that he obtained the Dispensation of Pope Alexander VI.

Direct evidence of the following not having been as yet obtained, the suggestion alone can be advanced, that the unfortunate Jews in Portugal, by way of a concession to this new Queen of Portugal, to avoid further persecution, consented to corrupt their books. Your Lordships, however, may be thankful to remember, that there are the Orthodox Jews, and the Karaites, who have not been led so to corrupt their books, and are not defiled with any of these abominations; of which full evidence has been already given in respect of the universal prohibition of these incestuous marriages among all the sects of the Jews which were in existence, under whatever name, at the time that Our Lord appeared upon earth.

For the second passage for which Dr. McCaul appeals to Antiquity forsooth, saying "Antiquity is also my favourite argument;" I yet find not the smallest evidence to shew that it was known at the date of the Commentaries of Maimonides: and yet he asserts that "knowing that before the Advent of the Saviour, and in the days of the Apostles, marriage with a deceased wife's sister was by Jews and Gentiles, considered lawful, a prohibition of the marriage, either by Peter the Apostle of the Circumcision, or Paul the preacher to the Gentiles, or indeed by any of the Apostles, would have been tantamount to a repeal of the permission contained in Leviticus xviii. 18."

And yet this man was a Clergyman of the Church of England, and knew that "Jesus answered and said unto them, Have ye not read, that he which made *them* at the beginning made them male and female, and said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder." (Matthew xix., 4-7.) He knew again that "Paul the preacher to the Gentiles," but apparently to little purpose to Dr. McCaul, quoted thus:—"For this cause shall a man leave his father and mother, and shall be joined unto his wife, and they two shall be one flesh. This is a great mystery:"

What then is the solution of this mystery? What the meaning of a man's leaving father and mother? And of being joined unto a wife until they both become one flesh? For answers let us turn to Nature.

I. The solution of the mystery will be found in the fact that man, as well as other warm-blooded creatures, is an electric animal; and that all the processes of his system are carried on by means of, or in conjunction with, that electricity, and that without it there would be no life. What is the origin of an human being? By electricity an embryo is produced from the blood of the male and impregnates the female; but without the spark of electricity life is not imparted with it. During its growth day by day the male electricity of it creates a gradual physical change in the mother, and the same during the time that she is suckling the infant. All through infancy and youth the electricity of the offspring is one with that of the parents; and so with a whole family, their electricity is all one; and all the vital processes in each individual proceed by means of that joint electricity: and if one of them become fatigued, or exhausted, or ill, that joint family electricity will greatly restore and renovate his strength. In cases of illness a very great error is frequently committed through ignorance of this fact. A mother perhaps is ill, and a daughter attends upon her constantly, jealous of anyone taking her place by the bed side. The old servants entreat her to take rest in bed, food, fresh air. The old answer, "oh! do not think of me." Meals are irregular, sleep broken, snatched, sitting dressed in a huge square arm-chair, and air bad: while the poor girl fancies that she is helping her mother by this self sacrifice!

Such a proceeding is a great error! She becomes utterly worn out; little thinking, that when smoothing her mother's pillow, while in that exhausted state, she is seriously injuring her mother while unknowingly

withdrawing electricity from her into herself: whereas she, and all persons in immediate attendance upon the invalide, ought to keep up their strength by every possible means by food, sleep and fresh air: that they may, though unknowingly, impart electricity to her who so greatly needs it.

When, however, a son, one of the family, marries, then the word of the Lord is fulfilled. He leaves the joint electricity of the father and the mother, and becomes joined to the electricity of the bride, and they two become one electricity. The man's is positive electricity, the woman's is negative: and, thus united, they become one electric battery; a circular current of electricity continuously passing through them. From that moment all the processes in the system of each proceed by help of the joint electricity of both: and, as they go on growing in bulk or stature, (which if they marry under twenty years of age they may well do), the flesh of each becomes gradually assimilated to that of the other; and also, in after years, by the continual renovation of continual exhaustion. The rites of marriage, which are honourable among all men, will greatly facilitate this physical change of each into flesh of each other's flesh.

By the time that persons who married at twenty have become twenty-six, they will each have increased several stones in weight, all increased under the influence of their joint electricity: and their previous persons will, at the same time, have been undergoing a great physical change. Thus the husband has become very greatly assimilated in flesh to that of his wife's near of kin, and she has become very greatly assimilated in flesh to that of her husband's near of kin: They have, in each case, become blood relations to them!!

II. But there is a second oft-repeated phasis of Nature, but very seldom indeed perhaps understood; to which I will appeal in support of the case already proved; while the proof given accounts for the fact.

When the mother of a young family loses her husband, but is prevailed upon to marry again; it has been observed that at least the first child of the second marriage resembles the former husband. Such a phenomenon has been attributed to unchanged, undying affection, though having nothing whatever to do with it. The true reason is to be found in the truthfulness of the holy word of God, that she had undergone that physical change consequent upon marriage, and had become flesh of the flesh of her former husband!

But some may say, If this be so, it is not the rite of marriage at all, but rites which might take place without marriage!

Such I would indeed at once refer to St. Paul 1 Corinthians vi., 15, 16, "What know ye not that he which is joined to an harlot is one body? for two, saith he, shall be one flesh." All which serves to prove the truth of my case, and that Dr. McCaul was wrong every way; but not that "it is not the rite of marriage at all:" for God forbids immoral carnal intercourse; but the rites of marriage were instituted of God, as part and parcel of marriage, and are honourable among all men.

III. A third proof from Nature is the well-known fact, that if a mare breed a mule, and be afterwards used for ordinary breeding purposes, her progeny will all have the black line along the back and across the withers, or other characteristic peculiar to the donkey, the sire of the mule she had previously bred.

IV. A fourth proof from Nature is the fact, that in no kennel of hounds would the huntsman breed from a hound, however staunch and well bred, which had ever had a litter of puppies by a dog of another species. In well regulated hunting establishments such an incident could not occur; but the fact would be known that the puppies, however well bred the sire, would shew strong traces of that former dog of the other species. In gamekeepers' kennels such crosses, and the subsequent certain phenomena, are more likely to occur; and such men express such a well known phenomenon by their technical term "*breeding back*;" usually saying "*she throws back*." Verbum sapientibus!

Such having been thus proved to demonstration indisputably from Nature, I beg leave to submit, that the present terms of the Tables of Consanguinity and Affinity, should be changed to those of—

Consanguinity by Birth, and

Consanguinity by Marriage.

I have the honour to be,

Your obedient and very humble Servant,

THOMAS BERNEY,

Rector and Officiating Minister,  
Bracon Ash.<sup>1</sup>

# A D D E N D A .

## AN AMENDED VERSION OF PORTIONS OF THE HOLY SCRIPTURES.

### GENESIS.

#### Chapter I.

21. And God created the great dragons,

### LEVITICUS.

#### Chapter XVIII.

6¶. None of you shall approach to any that is near of kin to him, to commit incest: *I am* the Lord.

7. Incest with thy father, or incest with thy mother thou shalt not commit: she *is* thy mother: thou shalt not commit incest with her.

8. Incest with thy father's wife thou shalt not commit: it is incest with thy father.

9. Incest with thy sister, the daughter of thy father, or daughter of thy mother, *whether she be* born at home or abroad, *even* with them thou shalt not commit incest.

10. Incest with thy son's daughter, or with thy daughter's daughter, *even* with them thou shalt not commit incest: for incest with them *is incest* with thyself.

11. Incest with thy father's wife's daughter, begotten of thy father, she *is* thy sister, thou shalt not commit incest with her.

12. Incest with thy father's sister thou shalt not commit: she *is* thy father's near kinswoman.

13. Incest thou shalt not commit with thy mother's sister: for she *is* thy mother's near kinswoman.

14. Incest with thy father's brother thou shalt not commit: thou shalt not approach to his wife: she *is* thine aunt.

15. Incest with thy daughter-in-law thou shalt not commit: she *is* thy son's wife; thou shalt not commit incest with her.

16. Incest with thy brother's wife thou shalt not commit: it is incest with thy brother.

17. Incest thou shalt not commit with a woman and her daughter, neither shalt thou take her son's daughter, or her daughter's daughter, to commit incest with her: *for they are her near kinswomen*: it is wickedness.

18. Neither shalt thou take a wife to her sister, *even though one after the other*, to commit incest with her, over her, to vex *her* in her life.

## JOB.

### Chapter XIX.

26. And *though* after my skin *worms* destroy this *body*, yet out of my flesh shall I see God.

## ACTS.

### Chapter XIX.

Part of 35. Ye men of Ephesus, what man is there who knoweth not how that the city of the Ephesians is temple-keeper of the great Goddess Diana, and of the *image* which has descended *to us* from the *time of Jupiter*?

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Genesis i. 21. *hatanninim*, *The dragons*, compounded of *ha*, def. art., *the*, and *tannin* from *tanan*, *to drag itself forward in a zig-zag manner* (as one writer explains it), and as we see all Water-newts, Lizards and Crocodiles, and no doubt all Saurions, do. Hence the generic term Dragon is peculiarly appropriate. They who have visited the fossil department of the British Museum, and have seen, not only the fossil skeletons like Crocodiles (one thirty feet in length by comparative measurement), but also others with enormous fore-feet with six long tapered and webbed toes, possibly usable, like wings acting horizontally, to assist them skinning with speed upon the surface of the water, and long swan-like necks and small heads, can have any more doubt than I have, that the usually-supposed mythical history of St. George and the Dragon is perfectly true; and may anticipate that some day such fossil dragons may be found in the ancient bed of the Euphrates.

Leviticus xviii., 6-10. The Noble Peers and Honourable Members

of the Legislature, who will read this version of Holy Scripture, with a prayerful desire to search for truth as it is before God, and with confidence that I would not willingly deceive them; cannot but feel that very many Members of each House of the Legislature have repeatedly been guilty of very great "wickedness" by the votes they have given in respect of this subject; albeit, the same may be required of the souls of Dr. McCaul and Dr. N. Adler, and other like panderers to incest, whether for filthy lucre's sake or otherwise, by whom they may have been deceived: and feeling, as they must, the awfulness of the situation, unless they be very ignorant of sacred prophecy, they may see the dire necessity of endeavouring to appease the wrath of Almighty God by some solemn affirmation by every member of each House respectively, with their sign-manual, to a suitable document to lie on the table in their respective House for that purpose, putting on record their solemn pledge before the Lord God Omnipotent, that they will never again give their vote for, or pair in favour of, any Bill or Measure whatsoever, to legalise the marriage of a man with his deceased Wife's Sister; or with his Aunt; or with his Niece; nor in any other manner whatsoever render assistance to such a Measure: that the prayers of the Nation for the blessing of the God of battles upon our armies and upon our Country be not hindered, and His blessing alienated from us.

Acts xix., 35. It is known that Nimrod (Gen. x. 8-12) (whence the city Nimroud), Asshur, *The Mighty One*, alias Ninus, King of Assyria and his Queen Semiramis were worshipped, after death, by different nations under different names. They were the Osiris and Isis of the Egyptians. In symbolical language *heaven* represents regal power and *status*, the *Sun* represents the *king* and the *Moon* the *queen*. As Zeus by the Greeks, and as Jupiter by the Romans, Nimrod was called *The King of the Gods*; while among the Assyrians Semiramis was worshipped under the name of Astarte, *The Shining-one*, and was called *The Queen of heaven*, while by the Romans she was worshipped as Venus. Zeus by Leto, or Jupiter by Latona, is stated to have begotten the twins, Apollo or Phoebus represented by the Sun, the worship of which Nimrod introduced, and Artemis, the Diana of the Romans, represented by the Moon.

To suppose that a nation that produced Solon and Archimedes, the sculptors Phidias and Praxiteles, and others who could carve the Apollo Belvedere, and the Venus de Medecis, and that life-like head of Apollo in the British Museum (though there ignorantly named a woman), could

believe that the marble bust of Diana "fell down from" the planet "Jupiter" or "from heaven" seems to me to be perfectly puerile.

In conclusion, I beg leave most respectfully to remind your Honourable House, that we are already within the final period *at the time of the end* predicted in sacred prophecy, during which there shall be wars more terrible than the world has ever before seen; of which the Franco-Prussian war, with an army of four hundred thousand men on the loosing side, has already afforded an example; with accessories achieving what the Psalmist's words might figuratively have foretold; engines of war, which have "shot forth hailstones and coals of fire"; mitrailleuses shooting forth a storm of bullets as thick as hail, and live shrapnel shells: and, therefore, that the present system in the army of superseding highly valuable officers, colonels of regiments and of great experience, merely because the requirements of the service have not for some time called them into so-called active service, though full of energy and zeal, and carrying out every thing under their command to perfection, is utterly inconsistent with the exigencies of the situation!

I will suggest, and with certain confidence in its necessity, that, wherever, according to the present system, the colonel of a regiment would soon be superseded and the junior colonel take his place, the colonel, if willing, should be retained in the command of his regiment; and that the said junior colonel should be put in command of a new regiment, to be raised at once and to be added to the service!

Furthermore I will suggest, that wherever an energetic and experienced colonel has been so superseded under the present law, and be willing, he should be reinstated in his former command; but with such rank and pay as the expediency of the case may require: and that a new regiment should be immediately raised, and be placed under the command of the junior officer who had superseded him!

I have the honour to be,

Your obedient and very humble Servant,

THOMAS BERNY,

*Rector and Officiating Minister,  
Bracon Ash.*











